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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,210	02/06/2006	Jonathan Mark Hardy	056258-5106	2342

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MORGAN LEWIS & BOCKIUS LLP
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WASHINGTON, DC 20004

EXAMINER

COPPINS, JANET L

ART UNIT	PAPER NUMBER
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1626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/539,210

Applicant(s)

HARDY ET AL.

Examiner

Janet L. Coppins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 9, 12 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-15 are pending in the instant application.

Priority

2. The instant application is a 371 of PCT/GB03/05473, filed December 16, 2003.

Information Disclosure Statement

3. Applicant's Information Disclosure Statements (IDS), submitted June 17, 2005 and October 28, 2005 have been considered by the Examiner. Please refer to the signed copies of Applicants' PTO-1449 forms, attached to the instant Office Action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8, 10, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamamoto et al, Chemistry Letters, 1986. The Hamamoto et al journal article teaches the preparation of a phosphorous amide compound (see "3a-f"), which is the same as the instantly claimed process of preparing compounds according to the formula $R^1-Y^1-P(NR^2R^3)_2$. The Hamamoto document teaches the reaction of a trichlorophosphine (the same as Applicants' "PX₃") with a di-isopropylamine (the same as Applicants' "HN-R²R³") to form a bis(diisopropylamino)chloro-phosphine (the same as Applicants' "X-P(NR²R³)₂") which is then reacted with an alcohol, R-OH (same as Applicants' "R¹-Y¹-H"), in a trialkylamine base such as Et₃N, under anhydrous conditions (please refer to the reaction schemes on page 1402).

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6. Claims 1, 2, 7, 8, 10, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 62-212395. The JP document teaches the preparation of a phosphorous amide compound, $R^3-O-P(NR^2N^3)_2$, which is the same as the instantly claimed process of preparation of instant claim 1. The JP document teaches the reaction of a trihalophosphine (the same as Applicants' "PX₃") with a di-isopropylamine (the same as Applicants' "HN-R²R³") to form a bisaminomonohalogenphosphine (the same as Applicants' "X-P(NR²R³)₂") which is then reacted with an alcohol, R₃-OH (same as Applicants' "R¹-Y¹-H") in bases such as Et₃N, under anhydrous conditions.

7. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Wilk et al, Tetrahedron Letters, 2001. The Wilk et al journal articles teaches the preparation of a phosphorous amide compound, "2", which is the same as the instantly claimed process of preparation of instant claim 14. The JP document teaches the reaction of a bis(diisopropylamino)chlorophosphine (the same as Applicants' "X-P(NR²R³)₂") with a protected alcohol, compound "1," (same as Applicants' "R¹-Y¹-H") in a hydrocarbon solvent such as benzene, under anhydrous conditions.

Claim Objections

8. Claims 9, 12, and 15 are objected to as being dependent on rejected base claims.

Conclusion

9. In conclusion, claims 1-15 are pending, claims 1-8, 10, 11, 13, and 14 are rejected, and claims 9, 12, and 15 are objected to.

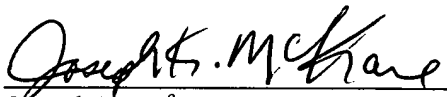
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Janet L. Coppins
January 8, 2007


Joseph K. McKane
SPE, Art Unit 1626